12 PAGES-LAST EDITION

TUESDAY DECEMBER 4 1906 SALT LAKE CITY UTAH

FIFTY-SIXTH YEAR

# President Says Would Be Good To Confer On Congress Power To Deal Radically and Efficiently With Polygamy

Is Strong for Enforcing the Law Against All Those Who Violate It.

LOWER PHILIPPINE TARIFF.

Would Have Congress Given Control Over Subject of Marriage and Divorce.

MUST OBSERVE ALIENS' RIGHTS

Case of Japanese School Children Treated on-Rifle Practise for Large Public Schools Recommended.

to the Senate and House of Represen-

As a nation we still continue to enjoy a literally unprecedented prosper-ny, and it is probable that only reckless speculation and disregard of legitimste business methods on the part of the busines world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were sevval matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment,

#### CAMPAIGN EXPENSES.

Recommends Law Prohibiting All Corporations From Contributing.

l again recommend a law prohibitin all corporations from contributing to the campaign expenses of any party. Such a bill has already past one house of Congress. Let individuals contribute is they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

#### CRIMINAL CASES.

Yavers Law Giving the Government Right of Appeal.

Another bill which has just past one muse of the Congress and which it is argently necessary should be enacted to law is that conferring upon the overnment the right of appeal in mal cases on questions of law. of the Congress. It is of course proposed that in any case a ver-for the defendant on the merits hould be set aside. Recently in one et certain persons for conspiracy the defendant's demurrer the in another jurisdiction an indicthis been sustained by the court, dons obtained ender it, and two endants sentenced to imprison Mendants sentenced cases but it is unfortunate that there there is no way by which ent can cause such a con to a higher court; and the justice are blocked without cision of the question. I strongly urge the passage in question. A failure to s it will result in seriously ham-ing the government in its effort to especially against duals or corporations and may also prevent government from obtaining justice wageworkers who are not them ffectively to contest a case I have speci a recent decision by leaving railway byes without remedy for violation of a certain so-called labor statute. seems an absurdity to permit a sin-district judge, against what may the judgment of the immense maolleagues on the bench "unconstitutional, deny to the government the have the supreme court defidy decide the question.

#### ENFORCING THE LAW. las Gone From Civil to Criminal Pro-

ceeding in Certain Cases. is well to recollect that the real clency of the law often depends not on the passage of acts as to which Don the passage of acts of this nawhich there is not much tement, because there is litunderstanding of their im-while the interested parties while the interested parties by alive to the desirability of to law the particular bill in rther increased by the government has now begun a policy of resorting minal law in those trust and commerce cases where such offers a reasonable chance of At first, as was proper, every made to enforce these laws ceedings; but it has becomsly evident that the action of rument in finally deciding, in cases, to undertake criminal been some conspicuous fall-se cases, we have had many which have undoubtedly had ine or imprisonment—and pen-both kinds have already been of both kinds have already been and by the courts. Of course, the judge can see his way to the penalty of imprisonment the sant effect of the punishment on offenders is increased; but suffiy heavy fines accomplish much. I holt, of the New York district in a recent decision admirably

### SUMMARY OF THE MESSAGE TO CONGRESS.

Nation enjoys unprecedented prosperity; and only reckless business methods can materially

Contributions to campaign expenses of any party by corporations should be prohibited by law, leaving individuals to contribute as they desire.

In criminal cases government should have the right of appeal; otherwise there is a liability to a conflict of decisions. Would not have judgments set uside or new trials granted for mere technical

Injunctions lodge a necessary power in hands of judiciary, and it would be wrong to prohibit their use, but there should be a law prohibiting their abuse as far as possible.

Court's are not above criticism, and best judges have been fore most to disclaim immunity from

Lynching prevelant all over the country, and is absolutely indefensible. Gov. Candler of Georgia and Gov. Jelks of Alabama quoted. Race hatred results from avenging crimes as work of the race and not of the individual. Work of Hampton and Tuskegee institutes praised. In the great majority of cases their graduates turn out well.

The trouble between capital and labor usually comes from the agitations of demagogues and faolish visionaries, who arouse men's passions. Nothing worse for American institutions than to elect a sinister agitator on a platform of violence and hypocrisy.

There should be enacted a law limiting hours of employment of railroad hands.

Congress urged to provide for thorough investigation of conditions of child labor and of the labor of women in the United States.

Present law on employers' liability good, but insufficient. In creating a commission to deal with labor disputes, public interest should be regarded.

Title to coal lands should remain in the government, but mines should not be worked by it, but

Interstale commerce commission should have more control over corporations, experience showing state control generally brings chaos. Cannot prevent combinations of capital, being neces-

sary elements of present industrial system, but should be controlled. Income and inheritance tax fovored, but may be necessary to amend Constitution.

Importance of industrial education dwelt on. Is a matter for the states and not for the general government. Better education for the farmer necessary.

No government policy has been more fruitful than that of forest preservation and irrigation. Federal government should be given control of question of marriage and divorce. Would be a good thing to confer on Congress power to deal radically and efficiently with polygamy.

American shipping should be encouraged, especially trade with South America. There should also be currency reform or there may be disasater some day.

Philippine tariff should be lowered or absolute free trade established between islands and United States. American citizenship for Porto Ricans recommended. Aid should be given Hawaii, and the government of Alaska reorganized.

To shut Japanese out of public schools wrong. Treaty rights will be enforced at all hazards. President should be given more power to enforce the rights of aliens.

When Cuba has a new, peaceful and competent government, American intervention will cease. The Rio conference brought American republics together, caused a better knowledge of each other and promoted a better understanding. Part of Secy. Root's mission was to dispel erroneous ideas regarding attitude of United States on the Monroe doctrine. The policy of this country is against collecting of ordinary contract debts by force of arms.

United States and Mexico stopped the war among the South American republics. The Algeciras conference gave this country equal rights with Europe.

Destruction of seals by pelagic fishing continues. Case of the Japanese poachers is in course of adjustment between the two countries.

For the first time all American republics asked to join in a Hague peace conference. The chance for arbitration depends mainly on sufficient armed strength. The navy is the best guarantor of peace that the country possesses. The purpose of West Point and Annapolis is to turn out fighting men. Rifle practise commended, and the establishment of shooting galleries in all the large public and military schools of the country is recommended.

The appendix to the message contains the address of Secretary of State Root before the third conference of American republics held at Rio.

stated the need for treating with just severity offenders of this kind. His opinion runs in part as follows: opinion runs in part as follows:

"The government's evidence to establish the defendant's guilt was clear, conclusive, and undisputed. The case was a flagrant one. The transactions which took place under this illegal contract were very large; the amounts of rebates returned were considerable; and the amount of the rebate itself was large, amounting to more than one. and the amount of the redate itself was large, amounting to more than one-fifth of the entire tariff charge for the transportation of merchandise from this city to Detroit. It is not much to say, in my opinion, that if this business was carried on for a considerable time on that basis—that is, if this discrimination is favor of this particular shipination in favor of this particular ship-per was made with an 18 instead of a 23 cent rate and the tariff rate was maintained as against their competitors— the result might be and not improbably would be that their competitors would be driven out of business. This crime is one which in its nature is deliberate and premeditated. I think over a fortnight elapsed between the date of Palmer's letter requesting the reduced rate and the answer of the railroad company deciding to grant it, and then for months afterwards this business was carried on and these claims for rebates submitted month after month and checks in payment of them drawn month after month. Such a violation of the law, in my opinion, in its essen-tial nature, is a very much more heintial nature, is a very much more helmous act than the ordinary common, vulgar crimes which come before criminal courts constantly for punishment and which arise from sudden passion or temptation. This crime in this case was committed by men of education and of large business experience, whose standing in the community was such that they might have been expected to set an example of obedience to law, upon the maintenance of which alone in this the maintenance of which alone in this country the security of their property It was committed on of a great railroad corporation, which like other railroad corporations, has received gratultously from the state large and valuable privileges for the public's convenience and its own, which performs quasi public functions and which is charged with the highest obligation in the transaction of its busi-ness to treat the citizens of this country alike, and not to carry on its busi-ness with unjust discriminations be-tween different citizens or different

classes of citizens. This crime in its nature is one usually done with secrecy, and proof of which it is very difficult to obtain. The interstate commerce act was past in 1887, nearly 20 years ago. Ever since that time complaints of the granting of rebates by railroads has been common, urgent and insistent, and al-Congress has repeatedly

passed legislation endeavoring to put a stop to this evil, the difficulty of ob-taining proof upon which to bring prosecution in these cases is so great prosecution in these cases is so great that this is the first case that has ever been brought in this court, and, as I am informed, this case and one recently brought in Philadelphia are

so flagrant, it is the duty of the court ! so flagrant, it is the duty of the court to fix a penalty which shall in some degree be commensurate with the gravity of the offense. As between the two defendants, in my opinion, the principal penalty should be imposed on the corporation. The traffic manager in this case, presumably, eated without any adventure. acted without any advantage to him-self and without any interest in the transaction, either by the direct au thority or in accordance with what he understood to be the policy or the

wishes of his employer.
"The sentence of this court in this case is, that the defendant Pomercy, for each of the six offenses upor which he has been convicted, be fined the sum of \$1,000, making six fines amounting in all to the sum of \$6, 000; and the defendant, the New York Central & Hudson River Railroad company, for each of the six crimes o which it has been convicted, be fined the sum of \$18,000, making six fines amounting in the aggregate to the sum of \$198,000, and judgment to that ef-fect will be entered in this case."

#### THE CRIMINAL LAW.

Would Not Have Judgments Set Aside On Mere Technicalities.

In connection with this matter, would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enert a law pro-It would be well to enact a law pro-

viding something to the effect that: No judgment shall be set aside of new trial granted in any cause, civil of criminal, on the ground of mis-direction of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading procedure unless, in the opinion is made, after an examination of the entire cause, it shall affirmatively pear that the error complained of resulted in a miscarriage of justice

#### INJUNCTIONS.

Wrong to Prohibit Their Use But

Should Not be Abused. In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the might of supplying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case of course the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sym-pathy for criminals to weaken our hands in upholding the law; and if men the only cases that have ever been brought in the eastern part of this country. In fact, but few cases of this kind have ever been brought in this country, east or west. Now, under these circumstances, I am forced to the conclusion, in a case in which the proof is so clear and the facts are

necessary power which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be ed out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or op-pressively. Of course a judge strong enough to be fit for his office will en-join any resort to violence or intimidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment is peaceful and lawful ways; nor must th injunction be used merely to aid some big corporation in carrying out scheme for its own aggrandizement. It mus for its own aggrandizement. It mus-be remembered that a preliminary injunction in a labor case, if granted without adequate proof (even when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute be properly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connec committed by judges in connec-tion with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction, and therefore such care. of injunction; and therefore such care less use of the injunctive process tend

such law as I advocated last year.

In this matter of injunctions there is lodged in the hands of the judiciary

abused, whether in matters affecting labor or in matters affecting corpora-tions, it will be well-nigh impossible to prevent its abolition be the highest duty of judge at any given moment to dis-regard, not merely the wishes of indi-viduals of great political or financial power, but the overwhelming tide public sentiment; and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor; and all honor can not be paid to this wise and fearless judge if we permit the growth of an absurd convention which would forbid any criticism of the judge of another type, who shows himself timid in the presence of arrogant disorder, or who on insufficient grounds grants an injunction that does grave injustice, or who in his capacity as a injustice, or who in his capacity as construer, and therefore in part

to threaten its very existence, for if the American people ever become con-vinced that this process is habitually

maker, of the law, in fingrant fashion thwarts the cause of decent government. The judge has a power over which no review can be exercised; he himself sits in review upon the acts of both the executive and legislative branches of the government; (Continued on page three.)

construer, and therefore in part a maker, of the law, in flagrant fashion

# NAUVOO LEGION

Senator Smoot Asks That They Be Filed in War Department Archives.

#### REQUEST NOT COMPLIED WITH

Military Secretary Says The Members Were Never Enrolled in Service Of United States.

(Special to the "News.")

Washington, D. C., Dec. 4.-Upon his arrival last week, Senator Smoot called on the war department and presented to the military secretary certain muster rolls of companies from Springville, who formed a portion of the so-called Nauvoo Legion in the Indian wars of the early fifties, received from Gov. Cutler, with a request that, if possible, they be filed in the archives of the department. In response to a personal equest, the senator today received a reply from Gen. Ainsworth, military secretary, in which, after acknowledging the receipt of the papers, he "The rolls in question pertain to companies that formed the so-called Nauvoo Legion. That was composed exclusively of territorial militia and appears to have performed more or less service in the suppression of Indian hostilities in the year 1853. Upon cursory examination of the rolls, it is evident that at least one of them is mere ly a copy of a roll and it is doubtful whether the other rolls left by you were actually prepared during the period of service of the organizations to which they pertain or anything more than lists of names compiled sometime

after the close of hostilities. But even if these rolls were original records, they could not be accepted for file in these departments, because the companies of which they purport to be a record were never mustered or otherwise accepted into the military service of the United States or paid by the United States, Furthermore, there does not appear to be any reason' why these rolls should be filed in the war department. If members of the organization in question have a pensionable status under the existing law or if any legislation should be enacted placing these members in a pensionable status, the rolls would be just as effective if filed in the office of the adjutant general of Utah, where they really belong, as if filed in the war depart-

#### SPANISH CAPITAL EXCITED OVER POLITICAL CRISIS.

New York, Dec. 4 .- A Madrid special published here today says the Spanish capital is much excited over the political crisis brought about by the resignation of the Spanish ministry yester-day. Noisy groups carrying red ban-ners gathered in the evening in the neighborhood of the senate and cham-ber and shouted threateningly. The police scattered the crowd, arresting several persons, but the populace gath cred again and their numbers constant ly increased. As the evening advance the crowds focussed in the Puerto de Sol outside the ministry of the interior, Many well known agitators were busy among the people and there was much agry talking.

A great force of police was out and the government held troops in readiness. It was hoped, however, that the excitement would pass without a seri-

#### DEEP WATER CONFERENCE.

Prest. D. R. Francis Announces Appointment of 50 Delegates to It.

Kansas City, Dec. 4.-David R. Fran-cls of St. Louis, president of the Trans-mississippi commercial congress for its seventeenth annual session, today announced the appointment of 50 dele-gates from the following 23 states to the deepwater and harbor conferent to be held next week at Washington, Alaska, Arizona, Arkansas. fornia, Colorado, Iowa, Idaho, India Territory, Kansas, Louisiana, Minneso ta, Montana, Missouri, Nebraska, New Mexico North Dakota, Oklahoma, Ore-gon, South Dakota, Texas, Utah, Washington and Wyoming. The delegates from western states

Alaska-John G. Brady, Alaska Arizona-A. M. Conrad, Nogales, California-Frank P. Filnt, Les Ange-les, John P. Irish, San Francisco, and

Villiam N. Browning, Redonda. Idaho-Fred T. Dubois, Blackfoot; oseph W. Poe, Lewiston, and Marcus A. Mean, Lewiston,
Montana-W. A. Clark, Helena; E. E. Howe, Bozeman, and Herbert Strain. Oregon—Theo. B. Wilcox, Portland; United States Senator Fullon, Astoria

united States Senator Fulion, Astoria, and Peter Loggle, Coos Bay.

Utah—Reed Smoot, Provo, and Geo.

M. Cannon, Salt Lake City.

Washington—S. H. Piles, Seattle, and Levi Ankeny, Walla Walla,

Wyoming—Ell Crumrine, Laramie, and C. H. King, Shoshone,

#### HEBREW HOUSEWIVES.

They Will Boycott the Butcher Shops

New York, Dec. 4.-The Hebrew housewives of Harlem at a mass meeting held last night completed their or-ganization of all their preparations to boycott butcher shops in Harlem that maintained the present scale of prices for kosher meat.

speech that a spectator sent in a call for the police. When order had been restored resolutions were adopted rec-onnmending a strict boycott of the Har-lem kosher butchers. The police ex-pect trouble and will watch the meat shops closely today.

#### BULLET THROUGH HEAD.

Victor Ulrici Shoots Himself and Has A Chance to Live.

Chicago, Dec. 4.-Victor Ulrici was cheated of the death he sought yesterday. Despite the assertion of a physician and two assistants that he was dead, Ulrici drank a glass of water and then was taken to Mercy hospital, and then was taken to Mercy hospital, where it is believed he has "a fighting chance for life." He shot himself in the right temple, the bullet imbedding itself in the wall of the room after piercing his skull. He was found on the floor of his bedroom, a revolver lying close beside him.

Despondent because of a love affair, Ulrici returned from his work at a brewery and after barricading the door attempted to end his life. The shot was heard by Mrs. Rose Berblinger, in

heard by Mrs. Rose Berblinger, in whose home he roomed, and a doctor

vas called. The doctor, Mrs. Berblinger asserted, selzed the apparently dying man, and after dragging him across the room, proved the wound with his fingers. Alproved the wound with his fingers. Although the wagon men from a police station were standing in the room, stretcher in hand, the physician asserted the man was beyond relief. The physician departed and the policemen returned to their station.

Mrs. Berblinger closed the door of the

from and went about her work. She was terrified nearly two hours later when she heard a moan. Running to the door she threw it open and saw Ulrich moving his hands and calling or water. Screaming with terror, Mrs. Berblin-

er ran to the street and summoned a hysician. The police were again notiphysician. The police were again noti-fied and Ulrici was hurrled to Mercy hospital, where an operation was per-formed. Early today Ulrici was reported as slightly improved.

#### MANITOBA CABINET.

Decides to Put an End to Combination of Grain Dealers.

Chleago, Dec. 4 .- A dispatch to the Record-Herald from Winnipeg says: A special meeting of the Manitoba cabinet was held yesterday, when it was decided to take steps to put an end to the combination of grain dealers, who, it is alleged, have combined for the purpose of keeping down the price of grain as paid by elevator companies of grain as para by elevator companies to farmers. Before the royal commission last week, a number of witnesses swore the price to be paid at country points was regulated in Winnipeg daily by Secy. Fowler of the Grain Dealers'

This stirred the matter to a head and he Grain Growers' association is of the opinion that farmers have been swindled out of thousands of dollars yearly by this combine. D. W. Mc-Cuaig, president of the Grain Growers association, swore information against J. C. Gage, J. G. McHugh, John Love and a number of other grain men prominent among elevator interests in this action was taken, a special meet ing of the cabinet was held and the government decided to at ence proceed.

#### DEMOCRATS RULE IN PORTLAND, ME.

Portland, Me., Dec. 4,-The Demorats yesterday gained control of the Portland city government for the first time since 1892. They re-elected Mayor Nathan Clifford for a second term by 287 plurality over Frank B. Milliken, the Republican nominee and have seven out of the nine aldermen and 16 of the 27

#### BIG TRAIN ROBBERY.

Train Robbers Get \$110,000 From Cotton Belt Messenger's Safe.

Chicago, Dec. 4.-A dispatch to the Record Herald from Palestine, Tex.,

says: was learned yesterday that the

It was learned yesterday that the train robbers who probably fatally wounded the express messenger on a Cotton Belt train Saturday night near Eylan siding, secured \$110,000 from the messenger's safe. The Pacific Express officials refuse any information, claiming it is travessible at ressent to state ing it is impossible at present to state the amount taken. A glance at the messenger's book, however, would tell he amount stated above. About \$80,000. t is learned, was from the local ury department of the Cotton Belt at Tyler and consigned to General Treas-urer S. C. Johnson at St. Louis.

#### FIRE IN YOKAHOMA.

Town Hall, Memorial of Gen. Grant's Visit. Destroyed by Fire.

Yokohama, Dec. 4 .- The town hall in this city, a memorial of Gen. Grant's visit to this city, was totally destroyed by fire at 1 a. m. The cause of the fire is unknown.

#### A BEGGAR WOMAN.

Had \$46.20 in Her Pocket When Arrested.

New York, Dec. 4. A beggar woman public, school No. 46 had \$46.20 in her pocket. She had two children with her. She had taken in \$9 in one hour, ac-cording to the officers who made the

#### ENTIRE TOWN FOR SALE.

Wilkinsonville, Mass., to be Sold at Auction Today.

New York, Dec. 4.-A Worcester, Massachusetts, special to the Tribune says the entire town of Wilkinsonville will be sold at public auction today The town was once one of the most important manufacturing places on the Blackstone river. Now every house, store, mill and water privilege is going under the hammer to suit the hid-

ders.

The town has been in a state of stagfor kosher meat.

A representative of the Butchers' Protective association made a speech to the 500 or more women, men and children in which he told them that the high prices were all due to the packers and entreated them not to force the butchers out of business. So disorder-

## ANOTHER DEAL IN REAL ESTATE

Bamberger Property Purchased Yesterday Afternoon by Samuel Newhouse.

#### CORNOR IS A CHOICE ONE.

A. Fred Wey Has Secured 66x165 Feet East of the Grand Theater-Other Big Realty Transfers.

Samuel Newhouse completed shortly after 4 p. m., yesterday, unother big real estate deal, in the purchase of the Bamberger corner at Market and Main street, new occupied by onestory stores. The property has a frontage of 66 feet on Main street, and 165 feet on Market street, and the compensation paid is said to be \$159,-

Mr. Newhouse considers this corner one of the choicest in the city. and on the expiration of the leases will erect there a business structure in keeping with the buildings to go up across the street. He also remarks that he is through buying, as he has now on his hands about all the real

estate he can well take care of. A Fred Wey completed a deal last evening, whereby he becomes the owner of 66x165 feet just east of the Grand theater. The grantors were the Constant Loraine Investment cempany of Los Angeles, and the price \$25,006. The Barlow corner at First South and Third West streets has been sold to out of town purchasers for \$18,500 and Sam Reggel has bought the Crismon property on West Temple street, across from the Commercial club, for \$19,750. Carl E. Osterligh has bought the Cannon property, 9x10 rods, opposite the Manitou hotel for \$44,500.

\$44,500 The Bamberger-Newhouse deal was consummated through Walter J. Meeks of the firm of Meeks & Lynch, who called Mr. Newhouse's attention to the opportunity and the value of the corner. Mr. Newhouse was quick to sense the situation and immediately improved the corner of the best the sense of the corner of the best the structure of the corner of the best the sense of the the chance to secure one of the best properties in town.

#### CUBANS EXPRESS SYMPATHY FOR GEN. SHAFTER'S DEATH.

Pakersfield, Cal., Dec. 4.—The fol-lowing letters have been received by Capt. W. H. McKintock, son-in-law of the lete Gen. William R. Shafter, who died at the former's ranch near Bak-

"House of Representatives, Havana, To the Honorable Provisional Gover-

nor of the Republic of Cuba:
"Honorable Sir—The news of the
death of Gea, William R., Shafter, U.
S. A., which occurred at Bakersfield,
Cal., has caused a most profound sorrow among the Cubans rendering ser-vice in the house of representatives; in their name, as well as my own, permit me to express our most sincero sympathies: remembering among other historical acts, of him, who in life rendered his nation worthy ser-vices, that he co-operated in Santiago de Cuba for the independence of our beloved country.

beloved country.

"Please make known this, our sincere sympathy, to the honorable government of the United States and to the afflicted family of the illustrious dead.

Respectfully yours.

"VICENTE PARDO SUAREZ.

"Chief Clerk."

"Bolendron, Nov. 15, 1306."

Mr. Magoon, Provisional Governor,

"The Liberals of this town convey to you, to the noble nation and its illustrious president. Mr. Roosevelt, deep felt expression of sympathy for the frreparable loss of glorious Gen. Shafter."

#### CARUSO'S CASE.

Appeal Probably Will be Heard Some Time This Week,

New York, Dec. 4.—Magistrate Baker yesterday made his return to the of ar of Judge O'Sullivan of the court of general sessions in the case of Signor Fraco Caruso, the Metropolitan Opera Houss tenor, who was fined \$10 for annoying a woman at the monkey house in the Conwoman at the monkey house in the Cep-tral park. It is is likely that the appeal will be heard some time this week, as Judge Dittembeefer. Caruso's counsel, is anxious for a decision as seen

Patrolman J. J. Cain, who has for years been on duty in the park, and who while there arrested Caruso near the monkey house, was transferred to the West One Hundred and Fifty-second street station, known among the police as the "goat dis-

This transfer would have excited more comment had it not been the result of comment had it not been the result of Commissioner Bingham's recent order that all plain clothes men should be shifted Police Commissioner Bingham did not learn of Cain's removal until last nin a He said then that he would order Cain back to duty in the rark as the transfer might be misconstrued.

## PICTURES OF MAYOR SCHMITZ.

Cinematograph Ones of Him Prohib-

ited by San Francisco Police. Yokohama. Dec. 4.-Cinematogram pitures of Mayor Schmitz and other official

#### CHOLERA SERUM VICTIMS.

Endeavor to Explain Away Death of Two More Prisoners.

Mantla, Dec. 4.—The deaths of two more prisoners at Blithild prison are reported, making 12 in all dead out of the 24 cholera patients inoculated with the cholera serum as a test.